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SERVICE DATE – AUGUST 25, 2015

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 167 (Sub-No. 1189X)

CONSOLIDATED RAIL CORPORATION—ABANDONMENT EXEMPTION—IN HUDSON
COUNTY, NJ

Docket No. AB 55 (Sub-No. 686X)

CSX TRANSPORTATION, INC.—DISCONTINUANCE OF SERVICE EXEMPTION—IN
HUDSON COUNTY, NJ

Docket No. AB 290 (Sub-No. 306X)

NORFOLK SOUTHERN RAILWAY COMPANY—DISCONTINUANCE OF SERVICE
EXEMPTION—IN HUDSON COUNTY, NJ

Decided: August 24, 2015

On July 24, 2015, the Surface Transportation Board (Board) issued a decision describing its service procedures (found at 49 C.F.R. § 1104.12) and directing James Riffin (Riffin) to comply with them. This decision responded to Riffin’s July 14, 2015 “Certification Regarding Service of His Pleadings.”

Subsequently, on July 27, 2015, Riffin filed “James Riffin’s Amended Certificate of Service,” in which he indicates that he has not served one or more parties because they have stated that they do not wish to receive service of his filings.

The Board maintains a service list that denotes parties and non-parties in a proceeding. If a party to this proceeding no longer wishes to receive service, it can submit, in writing, a request to the Board to be listed as a non-party. Non-parties will still receive copies of Board decisions.

Any party submitting a filing to the Board *must* serve every other party on the service list in accordance with 49 C.F.R. § 1104.12. As a reminder, service via email is only available if the party being served consents to service by email. 49 C.F.R. § 1104.12(a). Otherwise, personal service is required. Id. First-class or express mail service is only available if personal service is not feasible. 49 C.F.R. § 1104.12(a)

The Board will not accept any filing that does not contain the required certificate indicating that all parties have been served pursuant to the Board's regulations.¹ For documents that have been submitted to the Board, but not yet accepted for filing, Riffin may file a corrected certificate of service and, if it complies with the Board's regulations, the relevant document will be accepted without the need to refile and will be considered if it is perfected in time for consideration. Documents filed in the future without a sufficient certificate of service are subject to being rejected without further Board decision.

It is ordered:

1. All documents filed before the Board must be served in accordance with 49 C.F.R. § 1104.12 and contain an appropriate certificate of service. For documents that have been submitted to the Board, but not yet accepted for filing, Riffin may file a corrected certificate of service and, if it complies with the Board's regulations, the relevant document will be accepted without the need to refile.
2. Documents filed in the future without a sufficient certificate of service are subject to being rejected without further Board decision.
3. This decision is effective on its date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

¹ This includes any documents Riffin has recently attempted to file that do not comport with our regulations, including, but not limited to: "James Riffin's Reply to Jersey City's, et al.'s Motion to Strike Riffin's Notice of Intent to File an OFA"; and "Confidential Portion of James Riffin's Reply to Jersey City's, et al.'s Motion to Strike Riffin's Notice of Intent to File an OFA."